

DOCKET NO.: CSKL0003-100**PATENT-DRAFT****REMARKS**

Claims 4 and 8-25 were pending in the present application. All claims have now been canceled without prejudice to their presentation in another application. New claims 26-29 have been added, support for which can be found, for example, at page 24, second paragraph of the original specification as filed (which describes inhibition of cell division), in Figure 9 (which describes concentrations of 3-IAABE ranging from 0.005 to 0.51 $\mu\text{g/ml}$), at page 16, second paragraph (which describes various cell populations), and in Figure 9 (which describes various cancer cell populations). No new matter has been added. Upon entry of the present amendment, claims 26-29 will be pending.

As a preliminary matter, Applicants request that the previous request for priority to U.S. Serial No. 09/258,732 be withdrawn. Accordingly, the present application has no claim for priority.

I. The Claimed Invention Is Novel

Claim 8 has been rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Jiang et al., Cancer Res., 1998, 58, 2126 (hereinafter, the "Jiang I reference"). New claims 26-29 are not anticipated by the Jiang I reference, which reports 3-bromoacetyl amino benzoylurea (3-BAABU). Thus, the Jiang I reference does not teach every feature recited in new claims 26-29.

II. The Claimed Invention Is Not Obvious

Claim 8 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of the following references: Jiang et al., Anti-cancer Drug Design, 1998, 13, 735 (hereinafter, the "Jiang II reference") in view of Alberts, The Molecular Biology of the Cell, 2nd Ed., 1989, pages 727-786 (hereinafter, the "Alberts reference"); Abraham et al., Proc. Natl. Acad. Sci., 1986, 83, 6839-43 (hereinafter, the "Abraham reference") in view of the Alberts reference; Sorger et al., Curr. Opin. Cell Biol., 1997, 9, 807-814 (hereinafter, the "Sorger reference") in view of the Alberts reference; and Jordan et al., Curr. Opin. Cell Biol., 1998, 10, 123-30 (hereinafter, the "Jordan reference") in view of the Alberts reference.

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New claims 26-29 are not rendered obvious over the combination of any of the cited references. The Jiang II reference reports 3-(haloacetamido)-benzoylureas, not 3-LAABE. The Abraham reference reports 2,4-Dichlorobenzyl thiocyanate. The Sorger reference is a review article reporting chemotherapeutic agents such as taxol and vinca alkaloids which activate a checkpoint pathway that delays cell cycle progression and induces programmed cell death. The Jordan reference is also a review article reporting anti-cancer drugs which target microtubules and inhibit cell proliferation by blocking mitosis at the mitotic checkpoint. The Office alleges that the Alberts reference teaches, with regard to the cell cycle, that "If any one 'phase' or section of the cycle is inhibited, then all other phases of the cycle must be inhibited as well" (see, Office Action dated April 7, 2004). None of these references, alone or in any combination, teaches Applicants' claimed invention.

III. Obviousness-Type Double Patenting

Claims 8-21 and 23 were rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. Patent No. 6,294,695. The presently claimed invention, however, is not an obvious variant of any method claimed in U.S. Patent No. 6,294,695.

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In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at (215) 665-6914 if there are any questions regarding Applicants' claimed invention.

Respectfully submitted,



Paul K. Legaard, Ph.D.
Registration No. 38,534

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COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103-3508
Telephone: (215) 665-6914
Facsimile: (215) 701-2141